



## DEPARTMENT OF NATURAL RESOURCES

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May 13, 2003

Mr. David Geiser  
U.S. Department of Energy  
Office of Long Term Stewardship, EM-51  
1000 Independence Ave., SW  
Washington, D.C. 20585

**RE: DRAFT Proposed Plan for Final Remedial Action for the Groundwater Operable Unit at the Chemical Plant Area of the Weldon Spring Site, Weldon Spring, Missouri, March 2003**

Dear Mr. Geiser:

The Missouri Department of Natural Resources (MDNR) received the draft Groundwater Operable Unit (GWOU) Proposed Plan on March 14, 2003, for review and comment. We appreciate the opportunity to comment on the draft document, as we believe that such dialogue will allow us to work constructively toward a workable and effective plan. Regrettably, as it exists, this draft plan is neither workable nor effective. We sincerely hope that the Department of Energy (DOE) will take immediate action to revise and reissue a more protective and acceptable draft plan. This will be a good beginning in the final steps towards completion of the cleanup. It will also allow all of the relevant stakeholders: DOE, the Environmental Protection Agency (EPA), the Weldon Springs Citizens Commission, St. Charles County, the department, and the broader community to take the next steps toward addressing the significant remaining long-term stewardship issues at the site.

As you know, this *“Proposed Plan for Final Remedial Action for Groundwater Operable Unit at the Chemical Plant area of The Weldon Spring Site”* will embody some of the most critical and precedent setting decisions in the entire history of the nuclear weapons development. This Record of Decision (ROD) will culminate a cleanup process that began in the early 1980s at the Weldon Spring Site, and has involved four separate RODs and interim RODs. We believe that through working together in good faith toward common goals, the EPA, DOE, the department, local government and the community, can complete a plan to address groundwater issues that will finalize a legacy of which we can all be proud. A legacy based on the best available science. Recent meetings between DOE and stakeholders have been encouraging, but the technical substance of this document is very discouraging. It does not reflect many of the basic agreements made during the discussions of the multi-agency technical staff.

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### **Action Levels and Site Characterization**

We vigorously disagree with your assertion in your cover letter that “the plan is conceptually consistent with the many discussions between our staff.” This statement is simply untrue. The concepts discussed between technical staff are only acceptable if the details of the plan also adequately address the concerns of the technical review team. The fact is, the DOE’s draft plan proposes critical monitoring locations and action levels for contaminants that are significantly different from those discussed with our department’s technical staff. Our initial reaction after a quick read of the plan was to discard this document because the details are so unacceptable.

DOE’s monitoring locations and action levels are unacceptable as proposed in this plan, as they would not be adequately protective of human health and the environment. In previous discussions, all agencies agreed that the conditions under which we could defer active remediation of groundwater included the collection of the appropriate data for both ourselves and the public to confirm where the contamination is located and that the contaminants are not spreading or increasing in concentration. This plan does not accomplish that goal. DOE’s proposed plan also fails to adequately define the plumes of contaminated groundwater, as required by the proposed remedy of “Monitored Natural Attenuation.” If DOE is proposing to leave the contaminated ground water in place, and simply monitor it for the long run, then DOE must begin with an adequate technical understanding of the current location of the contamination and must prove that the contamination is attenuating as expected. Contingencies that include active remediation strategies must also be identified in the plan to rapidly address any unexpected groundwater changes during the attenuation process.

### **Long-Term Stewardship**

As this is the final Record of Decision (ROD) for this site, the actions or inaction now in proposing how to address contaminated groundwater existing on or emanating from this site, are critical and will continue to be for future generations. It is vital that the plan includes the establishment of the necessary institutional controls to inform future owners and users of the property, as well as impacted neighbors such as the Missouri Department of Conservation, so as to minimize exposure of those same individuals to residual radioactive or hazardous wastes. Such a decision is one we do not take lightly. In the rapidly growing county of St. Charles, where this site is located, useable land and water resources remain at a premium. We anticipate continued growth and pressure for “clean” and “safe” areas to live, work and/or visit for recreation. We must ensure that our decisions today are fully protective for the future.

There is no reference in this document to the Long-Term Stewardship Plan as a subsequent document for operating the site after closure. The plan and ROD must have the Stewardship Plan incorporated as a major component since the protectiveness of the remedy is reliant on long-term stewardship, long-term monitoring, and long-term maintenance. Adequate long-term stewardship must include provisions for secure long-term funding for maintenance, monitoring and continued state oversight along with clear enforcement authority.

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### **Need for an Updated Federal Facilities Agreement**

Without the authority granted to this department in an appropriately updated Federal Facilities Agreement (FFA), concurrence to the GWOU ROD will not be possible. The EPA, DOE, and this department have all agreed to this in concept. I recommend DOE develop a FFA document that all the parties can review, comment on, and agree to concurrent with development of the plan to address the groundwater. The revised FFA document must be in place before or concurrent with execution of the GWOU ROD. This process is consistent with assurances offered by DOE that the state would become a signatory with enforcement authority at the signing of the final site ROD.

Even though we are very frustrated with the current proposed plan, I remain optimistic that DOE can and will make the appropriate changes to provide a plan that is protective of human health and the environment. MDNR does not want to see the process to finish the cleanup at the Weldon Spring Site delayed any further. We request that you adequately address the attached detailed comments, and that if you have any questions about the basis, meaning or intent of any of the comments, that you not hesitate to call me at (573) 368-2100, or Robert Geller at (573) 751-3907, immediately. Written inquiries can be directed to me at P.O. Box 250, Rolla, MO 65401, or to Mr. Geller at the Hazardous Waste Program, P. O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT DIVISION



Mimi R. Garstang, RG  
Director and State Geologist  
Director's Office - Administration Program  
573/368-2101  
573/368-2111 (Fax)  
nrgarsm@mail.dnr.state.mo.us

MG:led

c: Mr. Edward Galbraith, Director – Hazardous Waste Program  
Mr. James Gulliford, U.S. Environmental Protection Agency-Region VII  
Ms. Pam Thompson, WSSRAP Project Office  
Mr. Dan Wall, U.S. Environmental Protection Agency-Region VII  
Weldon Spring Citizens Commission

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bc: Mr. James D. Werner, Director – Air and Land Protection Division  
Mr. Robert Geller, Federal Facilities Section  
Mr. Ray Plienness – US DOE